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Attorney's Docket No. 5670-26

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lineman et al
Serial No.: 09/966,006
Filed: September 28, 2001
For: METHOD AND APPARATUS FOR ACTIVELY MANAGING SECURITY
POLICIES FOR USERS AND COMPUTERS IN A NETWORK

Confirmation No. 4813
Group No.: 2131
Examiner: Christopher A. Revak

November 20, 2006

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APPELLANTS' REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed October 19, 2006.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

I. The Examiner's Answer – Response to Arguments (starting at Page 10)

Appellants will refrain here from readdressing all of the deficiencies with the pending rejections and, therefore, in the interest of brevity, Appellants' hereby incorporate herein the arguments set out in Appellants' Brief on Appeal as if set forth in their entirety. Accordingly, Appellants will only address new arguments made in the Examiner's Answer.

A. Claim 1

The Examiner's Answer asserts that Appellants' arguments related to distinct data elements and a security policy document and policy management program are not supported as the claim language does not support those arguments. *See* Examiner's Answer, pages 11-14. As a preliminary note, Appellants note that the Examiner's Answer appears to indicate a misunderstanding of Appellants reference to particular examples of data elements and security policy documents in the specification as an argument that those particular examples are recited by Claim 1. In fact, such is not the case. Instead, Appellants' argument is that: 1) Claim 1 recites four distinct things, the policy management program, the policy document, the data elements for communicating the policy document and at least one data element for implementing the security policy on a computer; and 2) the specification as understood by one of skill in the art fully supports each distinct item.

Thus, in this context, it is clear, for example, that one of skill in the art would distinguish a program from a data element or policy document. In fact, Claim 1 itself includes the term "program" when referring to what one of skill in the art would understand is a software program. One of skill in the art would also clearly understand a document or a data element as having distinct meaning from a program, even without the additional disclosure of the present specification discussed in Appellants' Appeal Brief. Accordingly, the arguments in the Examiner's Answer related to Claim 1 are nothing more than a mischaracterization of Appellants' position and fail to address the deficiencies of the rejection of Claim 1.

B. Claim 11

Claim 11 recites a distinct software program, security policy document and technical controls. As discussed above with respect to Claim 1, the rejections and the comments in the Examiner's Answer fail to address each of these distinct elements in combination as recited in Claim 11. Instead, recitations, such as security policy document, are essentially ignored as "vague." Examiner's Answer, page 15. Such generalized characterizations, as discussed with reference to Claim 1, fail to address the deficiencies of the rejection of Claim 11 as discussed in Appellants' Appeal Brief.

The Examiner's Answer does appear, without any revisions to the grounds stated for rejecting Claim 11, to rely on numerous additional sections of Jacobsen as disclosing enabling creation of a security policy document by selecting security policies from a set of options. In particular, the Examiner's Answer appears to argue that, because employee feedback during training sessions is used in creating guidelines, the presentation of training to employees through a "hypertext list of policy training options" discloses these recitations of Claim 11. Examiner's Answer, pages 15-16. However, even if all these characterizations of Jacobsen were accurate, they would not suggest creation of a security policy document by selecting "security policies from a set of options" as recited in Claim 11. Instead, it is the employee feedback, not the hypertext link selections, that would be used in Jacobsen. Accordingly, even if the additional excerpts of Jacobsen discussed at pages 15-16 of the Examiner's Answer were to be considered part of the basis for the rejection, they would not address the deficiencies of the rejection of Claim 11 as discussed in Appellants' Appeal Brief.

C. Claims 26 and 51

As with the Examiner's Answer comments relating to Claim 11, the Response to Argument section of the Examiner's Answer on Claims 26 and 51 cites to numerous excerpts of Jacobson, most of which are not even relied on in the rejection of these claims. *Compare* Examiner's Answer, page 7 *with* page 17. Of course, this additional discussion appears to discuss these additional portions of Jacobsen narrowly with respect to a "human-readable form" and a "machine-readable form." Examiner's Answer, page 17. However, Claim 26 refers to a "human-readable security policy document" and a "machine-readable security policy document containing technical controls" in addition to additional recitations. For example, Claim 26 recites "automatically configuring the security policy document to create" the above mentioned human-readable and machine-readable documents. Technical controls are briefly characterized as "being responsible for electronically evaluating ... policy compliance." Examiner's Answer, page 17. However, no explanation is provided of how these alleged technical controls are contained in a machine-readable security policy document created by a security policy document "automatically configured" to create such controls in a machine-readable security policy document. As such, for these and numerous similar reasons, Appellants'

are not able to fully address the comments at page 17 of the Examiner's Answer as they are not actually presented in the context of a basis for rejecting Claim 26. Claim 51 contains corresponding recitations. Accordingly, the Examiner's Answer fails to address the deficiencies of the rejections of Claims 26 and 51 as discussed in Appellants' Answer for at least these reasons.

D. Claim 16

As with the Examiner's Answer comments relating to Claims 11 and 26, the Response to Argument section of the Examiner's Answer on Claim 16 cites to excerpts of Jacobson ("column 5, line 66 through column 6, line 4") that are not even relied on in the rejection of this claim ("col. 8, lines 7-10"). *Compare* Examiner's Answer, page 6 *with* page 18. However, even though these new sections are discussed responsive to Appellants' assertion that Jacobson does not disclose "distributing detect rules," the comments referring to Column 5 of Jacobson at no point even mention "distributing detect rules." Accordingly, it follows that the Examiner's Answer clearly fails to address the reasons for separate patentability of Claim 16 as discussed in the Appellants' Appeal Brief.

E. Claims 18 and 19

With respect to the separate patentability of Claims 18 and 19, the Examiner's Answer merely argues that Jacobson discloses technical controls. Examiner's Answer, pages 18-19. However, Appellants note that Claim 18 recites "distributing" technical controls to at least one first computer, which recitations are not addressed at pages 18-19 of the Examiner's Answer. Accordingly, these additional comments fail to address the reasons for separate patentability of Claims 18 and 19 as discussed in the Appellants' Appeal Brief. Appellants do note that, in preparing this reply brief, Appellants noted an assertion in the Appeal Brief at page 9 that Claims 18 and 19 include recitations "related to distributing and converting." Appellants wish to clarify this comment and state that Claim 18, while reciting distributing, does not recite "converting."

F. Claims 53-56

With respect to the separate patentability of Claims 53-56, the Examiner's Answer asserts that Appellants' arguments fail to comply with 37 CFR 1.111(b). Examiner's Answer, page 19. While Appellants' disagree, the highlighted portions of Claims 53-56 below are the referenced "various recitations related to particular data elements and platform control elements for different operating system platforms" referenced in the Appellants' Appeal Brief:

53. (Previously presented) The method of claim 52, wherein **the plurality of data elements for communicating the security policy to the one or more users include a policy statement element, a policy commentary element and an example element** and wherein the at least one data element for implementing the security policy on computer systems in the network **includes a platform control element specific to a platform type corresponding to an operating system of ones of the computer systems.**

54. (Previously presented) The method of claim 1, wherein enabling creation of the security policy document comprises enabling creation of a plurality of security policy documents associated with the security policy, ones of the security policy documents **including data elements for different platform types corresponding to operating systems of the computer systems in the network.**

55. (Previously presented) The method of claim 11, wherein the one or more first computers in the network comprises a plurality of first computers, ones of which are different platform types corresponding to operating systems of the respective first computers, the method further comprising automatically configuring the security policy document to include **a plurality of platform controls, ones of which include commands for enforcing the security policy on the different platform types corresponding to operating systems of the plurality of first computers in the network.**

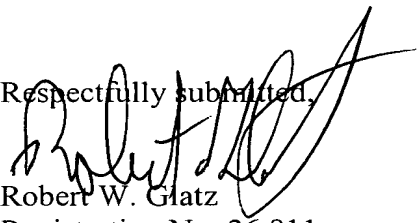
56. (Previously presented) The method of claim 11, wherein the one or more first computers in the network comprises a plurality of first computers, ones of which are different platform types corresponding to operating systems of the respective first computers and wherein enabling creation of a security policy document comprises enabling creation of a plurality of security policy documents associated with the security policy, the method further comprising automatically configuring respective ones of the security policy documents to **include a platform control that includes commands for enforcing the security policy on a corresponding one of the different platform types.**

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II. Conclusion

For the reasons set forth in above and in Appellants' Brief on Appeal, Appellants request reversal of the rejections of the claims, allowance of the claims and passing of the application to issue.

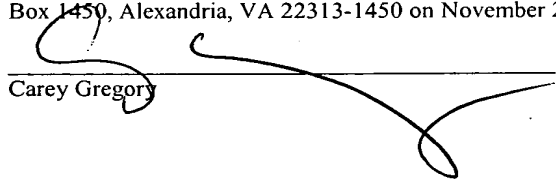
Respectfully submitted,


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